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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,040	04/13/2001	Jerry B. Roberts	M0000-1001	5093

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EXAMINER
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NGUYEN, KIMNHUNG T

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/835,040

Applicant(s)

ROBERTS, JERRY B.

Examiner

Kimnhung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-41 and 81-85 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 and 81-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/14/01, 9/3/02, 6/26/03, 7/17/03, 12/11/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Examiner has been agreed with the Applicant's requirement that Group I including claims 1-41 and 81-85. Therefore, this application contains claims 1-41 and 81-85.
2. Claims 42-80, and 86-110 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected in the invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 9/7/04.
3. Applicant's election with traverse of Group I (claims 1-41 and 81-85) in the reply filed on 9/7/04 is acknowledged. The traversal is on the ground(s) that would<sup>not</sup> be a serious burden imposed upon the Examiner. This is not found persuasive because Group I, drawn to a force sensor for sensing a touch force applied to a touch surface, Group II, drawn to a structure of a force sensing touch device, and Group III, drawn to a method for manufacturing a force sensor applied to a touch surface. Moreover, because these inventions are distinct for reasons given above and the search required for group I is not required for group II and III, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-16, 18-20, 22-25, 32-35, and 81-85 are rejected under 35 U.S.C. 102(b) as being anticipated by Frisch et al. (US 5,854,625 cited by Applicant).

Regarding claims 1, 22-23, 32 and 34, Frisch et al. discloses in figure 2A-2B, a force sensor for sensing a touch force applied to touch surface (18), the force sensor comprising: a first element (top surface member 12) including an elastic element (see top surface can be covered with a thin layer of mylar, see col. 6, lines 41-43) and a first capacitor plate (24a) having first capacitive surface, the elastic element including at least part of the first capacitor plate; and second element (top member 14) including a second capacitor plate (24b) opposed to the first capacitor plate; wherein transmission of at least part of the touch force through the elastic element contributes to a change capacitance between the first capacitor plate and the second capacitor plate (see column 5, lines 62-67).

Regarding claim 2, Frisch et al. discloses that the force sensor, wherein the first element (12) is substantially planar (see figure 2A).

Regarding claims 3, 24, Frisch et al. discloses that the force sensor, wherein the first capacitor plate and the elastic element are integral (see column 5 lines 62-67 and col. 6, lines 1-2).

Regarding claims 4-10, 25, Frisch et al. discloses that the force sensor, wherein the first capacitor plate and the elastic element are composed have the same substrate (see figure 2A), and wherein the elastic element comprises an elevated feature of the first

capacitor plate, and located at the elastic center of the first element (12, see figure 2A), and the force sensor, further comprising force-receiving means (regions 32) for receiving at least part of the touch force into the first element (see column 6, lines 65-67).

Regarding claims 11-12, Frisch et al. discloses that the force sensor, wherein the touch surface (18) is in communication with a region surface of the force-receiving means (32), and wherein the touch surface tends to remain in contact with the region the surface of the force-receiving means when the position of the touch surface changes with respect the force-receiving means (see col.6, lines 65-67), further comprising force transmission means (32) for transmitting at least part of the touch force to at least one structure other than the first element.

Regarding claims 13-16, 33, and 35, Frisch et al. discloses that the force sensor, wherein the second element (14) comprises planar support surface that includes a plurality electrically conductive mechanical bearing contacts (see col. 5, lines 62-64); and wherein at least portions of the first capacitor plate are in contact with the plurality of mechanical bearing contacts to transmit force thereto (see col. 5, lines 62-67), wherein the second capacitor plate (24b) includes a second capacitive surface that is coplanar with the plurality of mechanical bearing contacts and are composed of the same substrate (see col.6, lines 36-38). The force sensor of claim wherein the planar support surface is part of an interconnect system to transmit a signal developed response to the change capacitance between the first capacitor plate and the second capacitor plate (see col. 5, lines 39-46), and wherein the second capacitive surface and the at least one support surface are integral (see figure 2A).

Regarding claims 18-20, Frisch et al. discloses that the force sensor, further comprising force signal development means for developing a signal in response to the change in capacitance between the first capacitor plate and the second capacitor plate, and wherein the force sensor includes an inherent axis of sensitivity that passes through the elastic, and wherein the touch surface is a touch surface of a handheld device (see column 3, lines 33-37).

Regarding claim 81, Frisch et al. discloses that a method for measuring the touch force applied to the touch surface using the force sensor, the method comprising a step of developing a signal based on the change in capacitance between the first capacitor plate (24a) and the second capacitor plate (24b, see col. 5, lines 40-46).

Regarding claims 82-85, Frisch et al. discloses the method for measuring the touch sensor, wherein the amplitude of the signal is a monotonic function of the change in capacitance between the first capacitor plate and the second capacitor plate (see col. 3, lines 39-67, and col. 4, lines 1-8), Frisch et al. discloses that the step of measuring the amplitude of a component of the touch force should an inherent perpendicular to the touch surface, or a step of measuring a location on the touch surface at which the touch force is applied (see col. 3, lines 51-58).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17, 21, 26-31 and 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frisch et al. (US 5,854,625).

Frisch et al. discloses every feature of the claimed invention as discussed above, excluding wherein the first and second capacitor plates are separated by a volume, and wherein the ratio of the height of the volume to the volume's greatest breadth is less than .05; or the length of the mechanical path defining the capacitive gap being no greater than one-fifth of the maximum distance between any two force sensors that are used in the touch location device, or wherein the first capacitive surface, the elastic element and, and the second capacitor plate has a greatest dimension that is at least five times its least dimension; or the length of the mechanical path defining the capacitive gap being no greater than four times the maximum dimension of the volume of the capacitor gap; or the unloaded state of the force sensor not more than 10 mils, or the unloaded state of the force sensor is not less than thirty times the average height of the capacitive gap in the unloaded state of the force sensor; or the wherein the force sensor has a normal stiffness not less than 0.5 pounds per mil.

From the claims above, it would have been obvious for Frisch et al.'s system to have excluding wherein the first and second capacitor plates are separated by a volume, and

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wherein the ratio of the height of the volume to the volume's greatest breadth is less than .05; or the length of the mechanical path defining the capacitive gap being no greater than one-fifth of the maximum distance between any two force sensors that are used in the touch location device, or wherein the first capacitive surface, the elastic element and, and the second capacitor plate has a greatest dimension that is at least five times its least dimension; or the length of the mechanical path defining the capacitive gap being no greater than four times the maximum dimension of the volume of the capacitor gap; or the unloaded state of the force sensor not more than 10 mils, or the unloaded state of the force sensor is not less than thirty times the average height of the capacitive gap in the unloaded state of the force sensor; or the wherein the force sensor has a normal stiffness not less than 0.5 pounds per mil as claimed since such a modification would have involved a mere change in size/range of the system. A change in size/range is generally recognized as being within the level of ordinary skill in the art.

See In Rose, 105 USPQ 237 (CCPA 1995) and

See In re Reven, 156 USPQ 679 (CCPA 1968).

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number (703) 308-0425.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709**.

**Any response to this action should be mailed to:**



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Commissioner of Patents and Trademarks

Washington, D. C. 20231

**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only).**

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,  
Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Technology Center 2600 Customer Service Office whose telephone  
number is (703) 306-0377.

Kimnhung Nguyen  
January 6, 2005

A handwritten signature in black ink, appearing to read 'Alexander Eisen', with a stylized flourish at the end.

**ALEXANDER EISEN  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 2600**